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EXAMINER

NGUYEN, KIEN T

ART UNIT

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3711

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 40, 41, 43, and 63 are rejected under 35 U.S.C. 102(b) as being anticipated by Del Mas U.S. Patent 2,760,303.

Del Mas disclosed a wobble object comprising a background image (10); a wobble image (61) is adapted to wobble back and forth in a clockwise and counterclockwise with respect to the background image. The background image (10) could be considered an advertisement or a background scene and the wobble image is coupled to the advertisement via a spring (56) perpendicularly mounted between the advertisement and the wobble image. The background image could be served as a reminder such as a board for a sticky note reminder.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Del Mas.

It would have been a matter of design choice to utilize any particular compressed height for the spring of Del Mas to accommodate any particular environment.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Del Mas in view of Micco.

It is noted that Del Mas failed to teach the body as a press board with an image in a form of a photograph, and a microchip to produce sound as claimed. However, Micco disclosed a tacking dummy having a press board (12) and a photograph (14) provided thereon, and a sound device for producing sound. Therefore, it would have been obvious to one of ordinary skill in the art to modify the figurine of Del Mas with the press board with the image and the sound device as taught by Micco for the purpose of providing an interactive display for the user.

Response to Arguments

In response to applicant's argument that Del Mas does not disclose a background image in a form of an advertisement, the "background image" or "advertisement" do not contain any particular structural features. It is submitted that the body (14) of Del Mas is considered a background image and/or advertisement of the doll.

Regarding claims 43, the body (14) of Del Mas is certainly capable of being used as a reminder board because again the limitation "reminder board" does not contain any particular structural feature. For example, the front surface of a refrigerator or a table top surface is often used as a reminder board because such surfaces are more than

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capable of being used for sticky note or any equivalent reminder. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Allowable Subject Matter

Claims 1-5, 10, 15-19, 22-25, 29, 31, 32, 52-63 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIEN T. NGUYEN whose telephone number is (571)272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kien. T. Nguyen/
Primary Examiner
Art Unit 3711

Ktn